

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

IN RE:	)	
	)	Case No.: 22-30408-KRH
MACO LAVAE FANIEL,	)	
	)	Chapter 13
Debtor.	)	
	)	
Address: 616 Hull Street, Unit 130	)	
Richmond, VA 23224	)	
	)	
Last four SSN: 2383	)	

**NOTICE OF OBJECTION TO CLAIM**

The above-referenced Debtor filed an objection to your claim in this bankruptcy case.

**Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the court eliminate or change your claim, then on or before October 12, 2023, you or your attorney must:

File with the court, at the address shown below a written response to the objection.

**UNDER LOCAL BANKRUPTCY RULE 3007-1, UNLESS A WRITTEN RESPONSE IN OPPOSITION AND A REQUEST FOR HEARING ON THIS OBJECTION ARE FILED WITH THE CLERK OF THE COURT AND SERVED ON THE OBJECTING PARTY AND THE TRUSTEE WITHIN 30 DAYS OF THE SERVICE OF THIS OBJECTION, THE COURT MAY DEEM ANY OPPOSITION WAIVED, TREAT THE OBJECTION AS CONCEDED, AND ENTER AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT A HEARING.**

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street  
Richmond, VA 23219

You must also mail a copy to:

Stephen L. Flores (VSB No. 92900)  
Flores Law, PLLC  
530 E. Main St., Ste. 320  
Richmond, VA 23219  
(804) 238-9911  
stephen@floreslawva.com  
*Counsel for Debtor*

Stephen L. Flores  
Flores Law, PLLC  
530 East Main St., Suite 320  
Richmond, Virginia 23219

Carl M. Bates, Chapter 13 Trustee  
PO Box 1819  
Richmond, VA 23218

Date: September 12, 2023

MACO LAVAE FANIEL  
By Counsel

/s/ Stephen L. Flores  
Stephen L. Flores (VSB# 92900)  
Flores Law, PLLC  
530 E Main Street, Suite 320  
Richmond, VA 23219  
(804) 238-9911  
stephen@floreslawva.com  
*Counsel for Debtor*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 12, 2023, I have delivered a copy via the CM/ECF system and/or via First-Class Mail of the foregoing to the Debtor, Chapter 13 trustee, United States trustee, and to:

Virginia Eye Institute  
C/O Nguyen | Ballato  
2201 Libbie Ave.  
Richmond, VA 23230

/s/ Stephen L. Flores  
Stephen L. Flores

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MACO LAVAE FANIEL,	)	
	)	Chapter 13
Debtor.	)	

**OBJECTION TO CLAIM  
NO. 16 BY VIRGINIA EYE INSTITUTE**

COMES NOW, Maco Lavae Faniel (“Debtor”), by counsel, and pursuant to 11 U.S.C. § 502, Federal Rules of Bankruptcy Procedure (“FRBP”) 3002 and 3007, and Local Bankruptcy Rule (“LBR”) 3007-1, hereby objects to the proof of claim filed by Virginia Eye Institute (Claim No. 16). In support of this objection, Debtor state as follows:

1. On February 18, 2022, Debtor filed a voluntary petition for relief in this Court pursuant to Chapter 13 of the Bankruptcy Code (the “Petition”).

2. This is a core proceeding pursuant to 28 U.S.C. § 157. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. § 1409.

3. Virginia Eye Institute is an entity registered to conduct business in the Commonwealth of Virginia that filed two proofs of claim in this case: claim number 4 on March 15, 2022, as holder of an unsecured claim in the amount of \$506.58; and claim number 16 on August 24, 2023, as holder of an unsecured claim in the amount of \$2,542.04.

4. Debtor’s Schedule E/F, filed in this case on February 18, 2022, lists Virginia Eye Institute as holder of an unsecured claim in the amount of \$506.58.

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*Counsel for Debtor*

5. Virginia Eye Institute thereafter timely filed claim number 4 on March 15, 2022. As basis for its claim, Virginia Eye Institute attached to the proof of claim a summary of medical services rendered to Debtor on September 1, 2021 and September 7, 2021.

6. More than one year later, Virginia Eye Institute then filed an additional proof claim, claim number 16, on August 24, 2023. As the basis for its purported new claim, Virginia Eye Institute attached to its proof of claim a summary of services rendered to Debtor on September 1, 2021, in the alleged amount of \$1,906.58. Claim number 16 also alleges that Debtor owes Virginia Eye Institute \$635.46 in attorney's fees.

7. FRBP 3002(c) provides a proof of claim is timely filed if it is filed not later than 70 days after the order for relief.

8. Virginia Eye Institute's claim number 16 is therefore untimely, as it was filed after the filing deadlines pursuant to Rule 3002(c).

9. Furthermore, claim number 16 seems to be not only duplicative of claim 4 as the basis for both claims list medical services provided on September 1, 2021, but also contradictory as it alleges amounts above what Virginia Eye Institute previously claimed for the same date of service. Claim number 16 also fails to specify whether the alleged attorney's fees were incurred by Virginia Eye Institute before or after the Debtor filed his Petition.

WHEREFORE, the Debtor respectfully requests that this Court enter an order disallowing Claim 16 filed by Virginia Institute and for such other and further relief as this Court deems proper.

Dated: September 12, 2023

Respectfully Submitted,  
MACO LAVAE FANIEL  
By Counsel

/s/ Stephen L. Flores  
Stephen L. Flores (VSB# 92900)  
Flores Law, PLLC  
530 E Main Street, Suite 320

Richmond, VA 23219  
(804) 238-9911  
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*Counsel for Debtor*

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